

Form FOC 53

NOTICE OF HEARING TO ENTER ORDER

Use this form if:

- a hearing is required to get an order regarding support, parenting time, or custody signed; or
- if you want a hearing to get an order regarding support, parenting time, or custody signed.

NOTICE OF HEARING TO ENTER ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES ☐
2. Make all necessary copies? YES ☐
3. File the notice of hearing form with the clerk's office? YES ☐
4. Mail a copy of the notice on the other party and on any other custodian/guardian? YES ☐
5. Return to the clerk's office **after** you mailed the notice to the other party and completed the certificate of mailing? YES ☐
6. Keep one copy of the notice for yourself? YES ☐
7. Give 2 copies of the completed form to the clerk of the court? YES ☐

You must attend the hearing on the notice to enter order.

After the hearing, DID YOU . . .

1. Return to the clerk's office with all copies of the signed order? YES ☐
2. Mail a copy of the signed order on the other party and on any other custodian/guardian? YES ☐
3. Return to the clerk's office **after** you mailed the signed order to the other party and completed the certificate of mailing? YES ☐
4. Keep one copy of the signed order for yourself? YES ☐
5. Give 2 copies of the completed order to the clerk of the court? YES ☐

If you cannot answer "yes" to all of the above steps, your order may not be signed by the judge or you may not have a valid order.

If you have questions about any step in the process, read pages 3 through 5 for details.

**INSTRUCTIONS FOR USING FORM FOC 53
SCHEDULING A HEARING TO GET THE ORDER ENTERED**

»» SCHEDULING A HEARING

1. Fill out the Notice of Hearing form.

To schedule a hearing, call the person or office that the friend of the court told you about. Then fill out the form using the instructions on page 6. Type or print neatly. Be careful not to make mistakes.

Make at least 5 copies of this Notice of Hearing form after you have filled it out.

2. Prepare the "proposed" order.

Make 4 copies of the completed order form FOC 10/52, FOC 67, or FOC 89 and write "Proposed Order" on the top of all 4 of these copies. Attach 1 copy each of the proposed order to 4 of the copies of this form.

3. File the Notice of Hearing form with the county clerk.

Take the 6 copies of this form with the attached proposed order to the county clerk in the county where your case is located. You should have the following copies when you leave the clerk's office:

- 1 Copy of FOC 53 (with copy of proposed order) - for the other party
- 1 Copy of FOC 53 (with copy of proposed order) - for you
- 1 Copy of FOC 53 - for proof of service to the court
- 1 Copy of FOC 53 - for proof of service to the friend of the court

»» SERVING THE NOTICE OF HEARING ON THE OTHER PARTY OR PARTIES

1. Serve notice of hearing.

The other party must be notified of the notice of hearing at least 9 days before the hearing date. Serve the papers by mailing them to the other party by regular, first class mail.

What you need:

- 1 Copy of FOC 53 (with copy of proposed order) - for the other party
- 2 Copies of FOC 53 - for proof of service
- Any additional copies of FOC 53 - (with copy of proposed order) - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren)

Mail 1 copy with the proposed order to the other party. If there is a custodian or guardian, mail 1 copy and the proposed order to them also. Fill out the Certificate of Mailing on the remaining 3 copies.

2. Return to the county clerk.

Once you have mailed the notice and copy of the proposed order and filled out the certificate of mailing, return to the county clerk's office with 2 copies. Keep the other copy for your own records.

3. If the copy you sent to the other party is returned to you.

The hearing cannot be held until it can be proven to the court that both parties know about the hearing. If the other person's copy is returned to you, you must:

- Get the current address of the other person from the friend of the court or another source.
- If there are less than 9 days before the original hearing date, cancel the original hearing date and schedule a new one.
- Fill out another notice of hearing form.
- When a new address cannot be obtained, cancel the original hearing date which has been scheduled. Other ways of notifying the other party are listed in the Michigan Court Rules (MCR 2.106).

4. Attend the Hearing.

You must attend the hearing to get the order signed.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring the 6 copies of the completed order form to the hearing. These copies should not say "proposed" on them but should be the same as the proposed order you filed with the court. Also bring all supporting papers you have and any witnesses who are willing to testify.

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the judge to know. The information should relate to the reasons stated in your motion or response to the motion. Use this list to bring up important points.
3. If you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's courtroom on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. Go into the courtroom or referee hearing room and tell the referee or clerk (sitting near the judge's bench) your name, you are there for a hearing, and you are representing yourself. Don't interrupt any hearing in progress. Take a seat in the back of the courtroom and wait for your case to be called. If you want to tape record the hearing, you must ask the judge or referee before the hearing starts.
6. When you are called, take the 6 copies of the order to the judge to sign, go to the podium and clearly state the following:
 - 1) your name
 - 2) you are representing yourself
 - 3) you want an order signed
 - 4) whether you have witnesses in court who are willing to testify

Answer the judge's or referee's questions clearly and directly. If the judge or referee wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation. Ask questions of the judge or referee if you don't understand what is being ordered.

7. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Don't interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
8. If the judge says that the order is granted, follow the rest of these instructions. If any changes need to be made to the order, make them at the hearing and then present them to the judge to sign.

»» SERVING THE ORDER ON THE OTHER PARTY OR PARTIES

1. Return to the county clerk.

Once you have the signed order, return to the county clerk's office with the 6 copies. The clerk will return 4 copies to you. You should have the following copies when you leave the clerk's office:

- 1 Copy of FOC 10 / 52, 67, or 89 - for the other party
- 1 Copy of FOC 10 / 52, 67, or 89 - for you
- 1 Copy of FOC 10 / 52, 67, 89 - for proof of service to the court
- 1 Copy of FOC 10 / 52, 67, of 89 - for proof of service to the friend of the court

2. Serve the signed order on the other party.

The other party must be notified of the signed order. Serve the papers by mailing them to the other party by regular, first class mail.

What you need:

- 1 Copy of FOC 10 / 52, 67, or 89 - for the other party
- 2 Copies of FOC 10 / 52, 67, or 89 - for proof of service
- Any additional copy of FOC 10/52, 67, or 89 - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy to the other party. If there is a custodian or guardian, mail 1 copy to them also. Fill out the Certificate of Mailing on the front of the remaining 3 copies.

3. Return to the county clerk.

After you have mailed the order and filled out the certificate of mailing, return to the county clerk's office with 2 copies. Keep the other copy for your own records.

INSTRUCTIONS FOR COMPLETING "NOTICE OF HEARING TO ENTER ORDER"

Please print neatly. After filling in the form, you will need to make at least 5 copies.

All items must be completed before your notice can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- Before you fill in the Case No., get your copy of the motion regarding support, parenting time, or custody and copy the Case No. from that paper onto this form.
- Also use the motion to fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. Copy the names from the motion onto this form. For example, if your name is in the box that says "plaintiff", then you should write your name in the "plaintiff" box on this response form.
- You are the "moving party". Once you have written both names where they belong, you must check the box "moving party" in the same box as your name.
- In item 1, fill in the date the hearing was held on your motion. Write in the type of order that was entered on your motion (support, parenting time, custody, etc.)
- In item 3, fill in the full name of the judge or referee who will be signing the order, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.
- Write in today's date and sign your name.

Go to the county clerk's office with the 6 copies of this form. The clerk will return 4 copies to you.

- **Certificate of Mailing:** Read page 3 for details on mailing this form to the other party. On the date you mail 1 copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining 3 copies. Return to the county clerk with 2 copies.

You must read the directions on the legal process.